THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.24869 of the 2006

Date: 3rd September, 2007

Between :-

M/s. Sri Lakshmi Venkataraman Traders,
Rep. By its Proprietor K. Balaramaiah
..Petitioner

And

The Chief Manager,
State Bank of Hyderabad,
Nellore Branch,
Nellore Town, Nellore District ..
Respondent

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.24869 of the 2006

ORDER:-

This Court ordered *notice before admission* on 29-11-2006 and made an order *pending further orders, there shall be interim stay of the proposed sale under the impugned action notice dt.4-11-2006 subject to the condition that the petitioner deposits 25% of the reserved price on or before the date of the auction, failing which the respondent shall proceed with the auction.*

It is stated that the conditional order had been complied with. The respondent in the Writ Petition filed W.V.M.P.No.1184/2007 to vacate the impugned order dt.29-11-2006 made in the Writ Petition.

The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondent in issuing the auction/sale notice dt.4-11-2006 putting the sale of the property H.No.27-3-645 in Sy.No.558, Plot No.4, Saraswathinagar, A.C.Nagar Extension, Nellore Town, Nellore District, on 6-11-2006 at S.B.I., Nellore Branch, keeping the representation dt.27-7-2006 is pending is illegal, arbitrary, malafide no doubt against the principles of natural justice and to pass such other suitable orders.

Several factual details had been narrated in paras 2 to 6 of the affidavit filed in support of the Writ Petition and a counter affidavit is filed admitting certain of the averments and specifically denying the other averments. It is stated that the petitioner filed a representation dt.27-7-2006. It is also stated that several other representations had been filed. However, the Counsel for the respondent – vacate petitioner would submit that no such representations are available with the Bank. In view of the same, the petitioner is given liberty to make appropriate representation to the respondent Bank narrating all the facts and circumstances within a period of the two weeks and the respondent Bank is at liberty to consider the said representation in accordance with law within a period of four weeks thereafter and till then, in view of the fact that already some deposit was made, *status quo* to be maintained. It is needless to say that that the Bank is at liberty to consider the representation in accordance with law inclusive of the *One Time Settlement.* The Writ Petition is disposed of the accordingly. No order as to costs.

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Justice P.S.Narayana

3rd September, 2007

Note: C.C. in two days (B/o.smr)